



February 15, 2001

HOUSE BILL No. 1611

DIGEST OF HB 1611 (Updated February 14, 2001 10:03 AM - DI 94)

Citations Affected: IC 36-8.

Synopsis: Town boards of police commissioners. Provides that members of a town legislative body may serve as ex officio members of the town board of metropolitan police commissioners. Prohibits the town legislative body from appointing a police officer employed by the town to the town board of metropolitan police commissioners. Revises the law providing for the establishment and appointment of a town board of metropolitan police commissioners. Repeals a statute with conflicting versions.

Effective: July 1, 2001.

Mellinger

January 17, 2001, read first time and referred to Committee on Local Government.
February 14, 2001, amended, reported — Do Pass.

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HB 1611—LS 8012/DI 75+



February 15, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1611

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-9-3.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 3.1. (a) An ordinance adopted under section 2 of this**
4 **chapter must provide as follows:**

5 **(1) The board must consist of either of the following number**
6 **of members:**

7 **(A) Three (3) members. If the ordinance provides for a**
8 **three (3) member board, not more than two (2) board**
9 **members may be members of the same political party, if**
10 **individuals who satisfy this requirement can be found to**
11 **serve on the board.**

12 **(B) Five (5) members. If the ordinance provides for a five**
13 **(5) member board, not more than three (3) board members**
14 **may be members of the same political party, if individuals**
15 **who satisfy this requirement can be found to serve on the**
16 **board.**

17 **(2) Each board member must be a resident of the town.**

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(3) The town legislative body shall appoint each board member.

(4) Except as provided in subdivision (5), the term of each board member expires January 1 of the third year after the member's appointment.

(5) The ordinance must provide for staggered terms of the board members and the method for staggering the terms. If the board has three (3) members, the term of one (1) board member must expire each year. If the board has five (5) members, the terms of not more than two (2) board members may expire each year.

(6) The town legislative body may remove a board member for any cause that the legislative body considers sufficient.

(7) The town legislative body may not appoint a police officer employed by the town to serve on the board.

(b) The ordinance may provide that a member of the town legislative body may serve as an ex officio member of the board. If the ordinance permits members of the town legislative body to serve as members of the board, the following apply:

(1) The ordinance must state the maximum number of board members that may also be members of the town legislative body.

(2) The ordinance must provide either of the following:

(A) That a board member vacates the member's position on the board when the member is no longer a member of the town legislative body.

(B) That a board member may continue to serve until the end of the board member's term even if the board member vacates the member's position on the town legislative body.

(3) A board member who is also a member of the town legislative body may not receive compensation as a board member provided under subsection (g).

(4) A board member who is also a member of the town legislative body is not required to post the bond required by subsection (f).

(c) This subsection does not apply to a board member who is a member of the town legislative body. Before performing any function of a board member, an individual shall take and subscribe an oath or affirmation of office before the circuit court clerk of the county in which the town is located.

(d) This subsection applies to all board members. Before performing any function of a board member, an individual shall

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1 take and subscribe an oath or affirmation before the circuit court
 2 clerk of the county in which the town is located that, in each
 3 appointment or removal made by the board to or from the town
 4 police department under this chapter, the board member will not
 5 appoint or remove a member of the town police department
 6 because of the political affiliation of the person or for another
 7 cause or reason other than that of the fitness of the person.

8 (e) The circuit court clerk shall file oaths and affirmations
 9 required by this section among the circuit court clerk's records.

10 (f) This subsection does not apply to a board member who is a
 11 member of the town legislative body. A board member shall give
 12 bond in the penal sum of five thousand dollars (\$5,000), payable to
 13 the state and conditioned upon the faithful and honest discharge of
 14 the member's duties. The bond must be approved by the town
 15 legislative body.

16 (g) The town legislative body shall fix the salary of board
 17 members who are not members of the town legislative body. A
 18 board member's salary is payable monthly out of the town
 19 treasury.

20 (h) If the board has three (3) members, the town legislative body
 21 may amend the ordinance at any time to increase the number of
 22 board members to five (5). The amended ordinance and the
 23 appointment of board members must satisfy all the requirements
 24 of subsection (a).

25 (i) A board established in compliance with section 3 of this
 26 chapter (before its repeal) is considered a board established under
 27 this section. A town legislative body may amend an ordinance
 28 adopted in compliance with section 3 of this chapter (before its
 29 repeal) as provided in this section.

30 SECTION 2. IC 36-8-9-3 IS REPEALED [EFFECTIVE JULY 1,
 31 2001].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1611, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 13 and 14, begin a new line block indented and insert:

"(7) The town legislative body may not appoint a police officer employed by the town to serve on the board."

and when so amended that said bill do pass.

(Reference is to HB 1611 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 12, nays 0.

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